

MEYER REAL ESTATE ADVISORS, INC.

FPPC
DEC 7 1 37 PM '90

November 30, 1990

Blanca Breeze, Esq.
Counsel - Legal Division
FAIR POLITICAL PRACTICES COMMISSION
428 J Street
Suite 800
Sacramento, CA 95814

RE: Request for formal written advice pursuant to Governmental Code Section 83314 and Section 18329 of Title 2, Division 6 of the California Code of Regulations

Dear Ms. Breeze:

Meyer Real Estate Advisors, Inc. (MREA), is the real estate investment advisor to the Board of Retirement of Kern County Employees' Retirement Association. In that capacity, MREA is responsible for the acquisition, asset management and sale of investment properties in the Kern County portfolio which presently consists of fourteen properties valued at approximately \$75,500,000.

An affiliate, Meyer Asset Management, Inc. (MAMI) provides property management services from several regional and satellite offices.

To date, we have filed Form 730 on an annual basis in compliance with the Board of Retirement's Conflict of Interest Code. However, we were recently informed by Patricia Randolph, Deputy County Counsel, Kern County, that although she deems it unlikely, the nature of the services provided by MREA and MAMI may fall within the scope of recent amendments to Governmental Code section 87200 which could require that we file an annual statement using Form 721.

In order to comply fully with the requirements of the law, the attached list of organizations and individuals have authorized me to request your assistance in the form of written advice or opinion as to the applicability of the amendments to Government Code Section 87200. We have the following specific questions:

1. Are any of the attached required to file Form 721?
2. If so, are there any additional reporting requirements with which we must comply?
3. If not, is our past practice of filing Form 730 the only action required?

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4. MAMI sometimes employs the services of local third party property management firms for daily hands-on management of some of the properties. Should we inform these firms that they may have a responsibility to file Form 721?
5. If the Fair Political Practices Commission adopts proposed regulation 18720, will any of the persons or organizations listed be required to file Form 721 or make any additional disclosures?
6. Will it be necessary to obtain a new opinion from the FPPC every time we reassign or hire a replacement employee?

The following is a list of persons and organizations who have authorized me to make this inquiry on their behalf.

1. Meyer Real Estate Advisors, Inc.
222 S. Harbor Blvd.
Suite 700
Anaheim, CA 92805
2. Meyer Asset Management, Inc.
222 S. Harbor Blvd.
Suite 700
Anaheim, CA 92805
3. Richard J. Meyer
Chairman
Investment Committee Member
4. Richard Hille
President, Chief Operating Officer
Investment Committee Chairman
5. Robert W. Springett, CPA
Senior Vice President
Chief Financial Officer
6. Ronald A. Mittins
Senior Vice President
Director of Asset Management
Investment Committee Member

7. Timothy Meissner
Executive Vice President
Director of Acquisitions
Responsible for acquisition of properties and is a member of the Investment Committee.
8. Franklin R. Wayne
Senior Vice President
Property Management/Operations
Directs overall property management operations.
9. Robert J. Singer, CPM
Vice President
Asset Management/acquisitions
Asset Manager and account administrator for the Kern County portfolio. Also serves as Due Diligence Director for all properties to be acquired. Investment Committee Member.
10. George A. Keeling
Vice President - Acquisition
Acquisitions officer responsible for negotiating the purchase of properties for the Kern County portfolio.

The following personnel are not directly involved in the primary investment decision making process, and we feel it is highly unlikely that they are subject to this regulation. However, in the interest of insuring compliance with the law, they have authorized me to solicit your opinion for them as well.

1. Silvio Q. Dellagrotta
Senior Vice President - Marketing
Responsible for new business development. Occasionally interfaces with members of the Board of Retirement. Makes no decisions directly affecting the Kern County portfolio.
2. Richard W. Day
Vice President - Acquisitions and Research
May be occasionally involved in the acquisition or sale of properties for the Kern County portfolio.
3. Garry J. Nelson
Vice President - Regional Manager of the Midwest Region. Involved in acquisitions, sales, asset management, and property management.
4. Peter A. Schmidt
Vice President - Regional Manager of the Denver Region.
Involved in property management and leasing of properties. Supervises property managers.

5. Dean Humphrey - Regional Manager of the Cincinnati Region.
Responsible for leasing and property management of Kern County properties in Indianapolis, Indiana. Supervises property managers.
6. Doreen Hoffman
Assistant Vice President
Responsible for consultant relations, client services and preparation of financial reports.
7. Kelvin Barrus, CPA
Controller - MREA
Responsible for financial control and reporting for the Kern County portfolio.
8. Michael Tammillo
Regional Property Manager
Supervises property management personnel in the Chicago regional office.
9. Mary Novikoff
Vice President
Coordinates escrow and title review activity for properties that are acquired or sold.
10. The following personnel are property managers and/or leasing agents assigned to perform leasing and management activities for the Kern County portfolio.

Bill Hess
Jerry Fuxa
Steve Core
Tammy Dean
Paula Kauffman
Rosemary Orsi
Peggy Decker
Carolyn Perrigo
Michelle Millen
Tina Vail

11. The following are key accounting personnel assigned to the Kern County portfolio.

Karen Foster
Tim Cleary
Sue Morgan

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I have directed this request to you since you have already rendered similar advice to the Kern County Board of Retirement and are familiar with the issues. However, if this inquiry is more appropriately handled by someone else within your agency, I would appreciate you forwarding it.

Please call if you have any questions or require additional information.

Sincerely,

MEYER REAL ESTATE ADVISORS, INC.

A handwritten signature in blue ink, appearing to read "R. Singer".

Robert J. Singer
Vice President

SJB:LTR-BB